

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EDITA M. SMITH and EMERALD
HEIGHTS APARTMENTS, LLC,

3:13-CV-00716-PK

ORDER

Plaintiff,

v.

CITY OF ASTORIA,

Defendant.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#69) on December 17, 2014, in which he recommends the Court grant Defendant's Constructive Motion (#10) for Summary Judgment,¹ dismiss Plaintiffs' due-process and equal-protection

¹ On October 28, 2013, Magistrate Judge Papak construed Defendant's Motion to Dismiss as a Motion for Summary Judgment per stipulation by the parties.

claims with prejudice, decline to exercise supplemental jurisdiction over Plaintiffs' state-law claims, and dismiss Plaintiffs' state-law claims without prejudice. Plaintiffs filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

This Court has carefully considered Plaintiffs' Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#69) and, therefore,

- (1) **GRANTS** Defendant's Constructive Motion (#10) for Summary Judgment,
- (2) **DISMISSES** Plaintiffs' due-process and equal-protection


claims **with prejudice**,

(3) **DECLINES** to exercise supplemental jurisdiction as to
Plaintiffs' state-law claims, and

(4) **DISMISSES** Plaintiffs' state-law claims **without
prejudice**.

IT IS SO ORDERED.

DATED this 9th day of February, 2015.



ANNA J. BROWN
United States District Judge